IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

GABRIEL LOPEZ, :

Plaintiff, :

:

v. : CIVIL ACTION NO. 18-CV-5344

:

PRIME CARE MEDICAL DEPT, et al., :

Defendants. :

ORDER

AND NOW, this 23rd day of January, 2019, upon consideration of *pro se* Plaintiff Gabriel Lopez's Motion for Leave to Proceed *In Forma Pauperis* (ECF No. 6), Complaint (ECF No. 2), and Motions for Appointment of Counsel (ECF Nos. 3, 7), it is **ORDERED** that:

- 1. Leave to proceed *in forma pauperis* is **GRANTED** pursuant to 28 U.S.C. § 1915(b).
- 2. Lopez, #11772, shall pay the full filing fee of \$350.00 in installments, pursuant to 28 U.S.C. § 1915(b). Based on the financial information provided by Lopez, he is not assessed an initial partial filing fee. In each month when the amount in Lopez's inmate trust fund account exceeds \$10.00, the Warden or other appropriate official at the Lehigh County Jail or at any other prison at which Lopez may be incarcerated shall forward payments to the Clerk of Court equaling 20% of the preceding month's income credited to Lopez's inmate trust fund account until the fees are paid. Each payment shall reference the docket number for this case, Civil Action No. 18-5344.
- 3. The Clerk of Court is **DIRECTED** to send a copy of this Order to the Warden of the Lehigh County Jail.
 - 4. The Complaint is **DEEMED** filed.

5. The Complaint is **DISMISSED** without prejudice for failure to state a claim,

pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii), for the reasons set forth in the Court's Memorandum.

Lopez is given leave to file an amended complaint within thirty (30) days of the

date of this Order in the event he can state a plausible claim against an appropriate defendant or

defendants. Any amended complaint shall name all defendants in the caption of the amended

complaint and should state how each defendant was responsible for violating Lopez's rights.

Any amended complaint must be a complete document that does not rely on Lopez's prior

pleadings to state a claim. Upon the filing of an amended complaint, the Clerk shall not make

service until so **ORDERED**.

6.

7. The Clerk of Court is **DIRECTED** to send Lopez a blank form complaint to be

used by a prisoner filing a civil rights action bearing the civil action number for this case. Lopez

may use this form to prepare his amended complaint.

8. Lopez's Motions for Appointment of Counsel are **DENIED** without prejudice at

this time.

9. If Lopez fails to file an amended complaint, his case may be dismissed for failure

to prosecute without further notice.

BY THE COURT:

/s/ Mitchell S. Goldberg

MITCHELL S. GOLDBERG, J.

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